

Federal court of the Northern District of Ohio  
Youngstown Division

David C. Lettieri  
Plaintiff

FILED

DEC 20 2023

CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
YOUNGSTOWN

- against -

23-cv-1660

Lawrence Joseph Wardo  
Defendant

Reconsider

The plaintiff moves for reconsideration of the  
dismissal of Title 28 U.S.C. 1402.

"28 U.S.C. 1402(B) has been construed as a  
venue statute," *Upchurch v Piper Aircraft Corp.*  
736 F.2d 439.

"Venue under Federal tort claims act lies within  
district court located or where plaintiff resides," *Re  
Berron v United States*, 795 F. Supp. 174.

As such when the plaintiff had commenced  
the action the plaintiff was residing in Northeast  
Ohio Correctional Center Youngstown, Ohio in  
which because Wardo is a federal agent Title 28 U.S.C.  
1402 applies.

"Venue as to a plaintiff's Federal tort claim  
act, 28 U.S.C. 1346(B) et seq (claim is governed by  
28 U.S.C. 1402(B), the general venue statute governing  
suit in which the United States is a defendant. The

Statute provides that venue in civil tort suits against United States may be brought only, "In the Judicial district where the plaintiff resides or wherein the act or omission complained of occurred," *Burte v Federal Aviation Admin.*, 617 F. Supp. 140

Since it is supported as the United States the venue is proper because of the agents.

Thank you

Sworn To Me Before This 13<sup>th</sup> Day

OF December 2023

*[Signature]*

David C. LeVier

